

GUIDELINES FOR SUBMITTING APPLICATIONS FOR NATIONAL MARINE SANCTUARY RESEARCH AND EDUCATION PERMITS

A. INTRODUCTION

National Marine Sanctuaries are recognized as resource areas of national significance. Their distinctive characteristics have established them as environmental and historic resources for scientific research and public education. With yearly increases in the number of requests to conduct research and education in National Marine Sanctuaries, guidelines for managing and monitoring such projects are necessary to ensure compatibility with sanctuary goals and objectives and all other sanctuary activities.

The guidelines presented below describe the sanctuary permitting process. Applicants seeking financial support for research should consult the sanctuary contacts listed in this document.

Permits may be issued by the National Marine Sanctuary managers under special circumstances for activities otherwise prohibited by sanctuary regulations when related to: research to enhance scientific understanding of the sanctuary environment or to improve management decision-making; or education to further public awareness, understanding, and to establish access, use, and/or understanding of sanctuary resources and wise use of the sanctuary environment.

Anyone conducting prohibited activities without a valid National Marine Sanctuary permit may be subject to the penalties as provided under Section 307 of the Marine Protection, Research, and Sanctuaries Act of 1972 (as amended). A civil penalty of up to \$100,000 for each violation of any regulation may be levied.

B. APPLICATION CONTENTS

1. Cover Sheet or Letter:

The cover sheet or letter shall identify the following, if applicable: 1) name of the national marine sanctuary in which the proposed activity will take place; 2) title of the project; 3) name, address, telephone number, and affiliation of the applicant; 4) name, address, telephone number, and affiliation of and relationship of any colleagues covered by the permit; 5) project duration; 6) funding source; and 7) signature of the applicant.

2. Project Summary or Abstract:

A 250-word (maximum) summary shall include a brief statement of objectives, methods to be used, and why it is preferable that the activity occur within the boundaries of the sanctuary. For research permits, this summary shall specify research objectives, scientific methods to be used, and significance of the proposed work to a particular sanctuary or to the national marine sanctuary system. The summary shall be suitable for use in the public press. For education permits, the summary must detail the objectives of the project and the methods to be used.

NOTE: If the work to be conducted is part of a research grant submission of the grant itself will be sufficient provided it addresses all the points of this section.

3. *Technical Information:*

This includes clear, concise, and complete statements in the following categories:

a. Objectives.

State the objectives of the project.

b. Hypothesis to be Tested.

If applicable, state the hypothesis to be tested.

c. Project Significance.

Discuss significant previous work in the area of interest, if any, and how the proposed effort would enhance or contribute to improving the state of knowledge, use of the sanctuary or overall objectives of the Sanctuary Management Plan. Explain why the project should be performed in the sanctuary and the potential benefits to the sanctuary. For education permits, explain the educational value of the project.

d. Methods.

Describe the tasks required to accomplish the project's objectives. For research permits, provide an adequate description of field and laboratory methods and procedures. Describe the rationale for selecting the proposed methods over any alternative methods. If collecting is required, indicate the type, quantity and frequency and how the specimens will be handled. If reference collections are made, indicate where specimens will be deposited upon completion of the project. Indicate what organisms might be collected incidental to those specifically sought and, if known, identify specialists who might be interested in incidental groups. Indicate where the laboratory analyses will be conducted, if applicable. Also state the statistical methods to be employed and the level of significance to be tested. For education permits, specify the methods to be used in the project. For all permits, specify the exact location of work within the Sanctuary and provide a map showing the proposed study or project location(s) and a description of the habitat area of particular concern.

e. Personnel.

Identify the individuals who would be supervising project activities. Provide qualifications and evidence of ability to perform and supervise tasks. The permittee is ultimately responsible for all activities carried out under this permit.

f. References.

Cite only those used in the text of the proposal.

4. *Environmental Consequences*

Discuss the environmental consequences of conducting an otherwise prohibited activity and indicate whether the activity could be conducted outside the Sanctuary and still accomplish the

project's objectives. Specify the consequences and explain how the benefits of the research will outweigh the disadvantages or environmental consequences (short and long term).

5. Treatment of Results

For research permits, describe the nature and extent of anticipated results. Indicate how the results will be treated (e.g.; published in a reference journal, incorporated into academic curriculum, used in management decision-making, published in the public press). For education permits, explain the educational value of the project and how and what products will be used or made available in the future. All information resulting from activities conducted under a National Marine Sanctuary permit must be made available to the public.

6. Supporting Information

a. Financial Support.

Provide contract number, performance period, and name of sponsoring agency, if applicable. At a minimum, indicate source of financial support.

b. Coordination with Research in Progress or Proposed.

OCRM encourages research coordination and cost-sharing with other investigators to enhance scientific capabilities and avoid unnecessary duplication of effort. Applicants should include a description of these efforts, where applicable. Cite similar or supporting past or present research results.

c. Copies of Other Permits.

Applicant must include, if applicable, copies of other Federal, state and/or local permits issued with regards to this permit request. For example, EPA, U.S. Army Corps of Engineers, etc.

d. Other Sanctuary Permits.

Applicants should include a listing of all their previous Sanctuary permits.

C. SUBMISSION OF PERMIT REQUESTS

Three (3) copies of requests for permits should be sent to the appropriate sanctuary contact listed in section J below. Permit applications must be submitted at least thirty (30) days in advance of the requested effective date to allow sufficient time for evaluation and processing. Sensitive or complicated requests, or requests for sanctuary support should be submitted 90 days in advance. If additional time is required for review, the applicant will be notified within 20 days of the receipt of the request. Requests for permits must be addressed to the manager of the sanctuary in which the activities are to be conducted. A listing of their addresses and phone numbers can be found in Section J.

D. REQUESTS FOR SANCTUARY SUPPORT SERVICES

NMSP has limited on-site sanctuary personnel, facilities and equipment that may be used to support research under special circumstances. Requests for support should accompany the permit application and include the following information: 1) type of support requested; 2) justification; 3) dates and length of use; and 4) alternative plans if support is not available.

E. EVALUATION OF PERMIT REQUESTS

Permit applications are reviewed for completeness and adherence to these guidelines. Applicants will be contacted for clarification or if applications are incomplete. Complete applications are reviewed by NMSP program officials, on-site sanctuary personnel, and, where necessary, peer-reviewed by outside experts. Applications are judged on the basis of:

1) relevance or importance to the sanctuary; 2) scientific and educational merits; 3) appropriateness and environmental consequences of the technical approach; and 4) whether the proposed effort is more appropriately conducted outside the sanctuary.

F. CONDITIONS OF PERMITS

Based on the reviews of the permit application, NMSP will approve or deny the permit. If denied, applicants are notified of the reason(s) for denial and informed of the appeal process. If approved, the Sanctuary Manager will issue the permit.

Permit holders must counter-sign the permit and return copies to NMSP and on-site sanctuary personnel prior to conducting the permitted activities. Copies must be signed and returned within 10 days of receipt by the permit holder. If not returned within 30 days, the permit will automatically be canceled. A NOAA/Sanctuary research flag may be issued by sanctuary managers to research permit holders for use while conducting the permitted activity. This requirement not only assures that sanctuary enforcement personnel are aware of permitted activities, but also alerts other sanctuary users that such activities are in progress. The research flag must be returned to the sanctuary office upon completion of the research and no later than 30 days after the permit expiration date.

Permits must be carried aboard research vessels and made available on request for inspection by sanctuary personnel. For underwater diving activities, it is recommended that a copy of the permit be laminated and available for display.

Permit holders must be present during all permit activity operations. Permits and research flags are non-transferable. Permit holders must abide by all provisions set forth in the permit as well as applicable sanctuary regulations. Project summaries and technical information are incorporated into the conditions of the permit. Permitted activities must be conducted with adequate safeguards for the environment. To the extent possible, the environment shall be returned to the conditions which existed prior to the permitted activity.

Two important conditions of any permit are that the permit holder submit a project report and cruise log to the appropriate sanctuary office within 30 days of the permit's expiration date. The

project report is a brief (1-2) page statement summarizing the results of permitted activities. A cruise log should list the days spent in the sanctuary as well as activities pursued, approximate positions, and general observations. Project reports are used in the sanctuary interpretive programs and cruise reports are used in the assessment of sanctuary activities.

The sanctuary manager may immediately amend, suspend, or revoke a permit granted pursuant to these guidelines and sanctuary regulations, in whole or in part, temporarily or indefinitely, if in his/her view the permit holder(s) acted in violation of the terms of the permit or of applicable sanctuary regulations, or for any good cause shown. Formal notice of such action shall be subsequently communicated in writing to the permit holder and shall set forth the reason for the action taken. The permit holder in relation to whom the action is taken may appeal the action as provided for in the sanctuary regulations.

G. AMENDMENTS TO ACTIVE PERMITS

Requests for amendments to active permits (e.g. change in study design or other form of amendment) must conform to these guidelines. Persons desiring to continue permitted activities in the sanctuary must reapply for an extension of his/her current permit before it expires. Reference to the original application may be given in lieu of a new application, provided the scope of work does not change significantly and all cruise logs and project summaries pertinent to the original permit have been submitted to and approved by on-site sanctuary personnel.

H. MONITORING PERFORMANCE

Permitted activities will be monitored to ensure compliance with the conditions of the permit. NMSP and on-site sanctuary personnel may periodically assess work in progress by visiting the study location and observing any permitted activity or by reviewing any required reports. The discovery of any irregularities in conformance to the permit shall be promptly reported and appropriate action shall be taken. Permitted activities will be evaluated and the findings used to evaluate future applications.

I. REPORTING BURDEN

The information requested in these guidelines are necessary to evaluate whether issuance of a permit is appropriate. The information is used to evaluate the potential benefits of the activity, to determine whether the proposed methods will achieve the proposed results, and to evaluate any possible detrimental environmental impacts. It is through this evaluation and the tracking of all otherwise prohibited activities that the NMSP is able to use permitting as one of the management tools to protect Sanctuary resources and qualities. Submittal of the information requested in these guidelines is required to obtain a permit pursuant to National Marine Sanctuary Regulations (15 CFR part 922). Applicants are requested to indicate any information that is considered proprietary business information. Such information is typically exempt from disclosure to anyone requesting information pursuant to the Freedom of Information Act (FOIA). NOAA will make all possible attempts to protect such proprietary information, consistent with all applicable FOIA exemptions in 5 U.S.C. 552(b). Typically exempt

information includes trade secrets, commercial and financial information (5 U.S.C. 552(b)(4)). Personal information affecting an individual's privacy will also be kept confidential consistent with 5 U.S.C. 552(b)(6).

Public reporting burden for this collection of information is estimated to average one (1) hour per response (application, cruise log, and final report), including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to John Armor, Permit Coordinator, NOAA National Marine Sanctuary Program, 1305 East-West Highway (N/ORM6), 11th Floor, Silver Spring, MD 20910.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

J. FURTHER INFORMATION

For further information on the National Marine Sanctuary Program, write or call the National Marine Sanctuary Program office or the on-site sanctuary contacts listed below:

NATIONAL MARINE SANCTUARY PROGRAM

John Armor, Permit Coordinator
National Marine Sanctuary Program, NOAA
1305 East-West Highway (N/ORM6)
Silver Spring, MD 20910-3282
301-713-3125, x117
Fax: 301-713-0404
John.armor@noaa.gov

FLORIDA KEYS NATIONAL MARINE SANCTUARY

Dr. Brian D. Keller, Science Coordinator
Florida Keys National Marine Sanctuary
P.O. Box 500368
Marathon, FL 33050
305-743-2437
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